

## Exhibit B

### Chapter's Waiver of Service of Summons

**WAIVER OF SERVICE OF SUMMONS**

TO: Robert Hobbs, President, Delta Chi Chapter

(Name of Plaintiff's Attorney or Unrepresented Plaintiff)

I, Robert Hobbs, acknowledge receipt of your request

that I waive service of summons in the action of Liberty Corporate Capital, Ltd. v. Delta Pi Chap  
(Caption of Action)

which is case number 1:09-cv-00765-UA-WWD in the UNITED STATES DISTRICT COURT  
(Docket Number)

for the MIDDLE DISTRICT OF NORTH CAROLINA.

I have also received a copy of the complaint in the action, two copies of this Instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after November 2, 2009, or within 90 days  
(Date Request Was Sent)  
after that date if the request was sent outside the United States.

12/7/2009  
Date

Christopher S. Markwee  
Signature

Christopher S. Markwee (New President of Delta Pi Chapter of Lambda Chi Alpha)  
Printed/Typed Name

\_\_\_\_\_  
For Defendant

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving costs of service of the summons and complaint. A defendant located in the United States who after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the Court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the Court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LIBERTY CORPORATE CAPITAL, LTD., )

Plaintiff )

v. )

DELTA PI CHAPTER OF LAMBDA CHI )  
ALPHA, JOHN FERRELL CASSADY, )  
CHARLES KENNETH CALDWELL, )  
LINWOOD BRADY LONG, )  
BRIAN THOMAS MCELROY, )  
ROBERT LAWRENCE OLSON, ALSO KNOWN )  
AS ROBERT S. OLSON, JR., AND )  
JOHN LEE MYNHARDT )

Defendants )

Civil Action No. 1:09-cv-00765-WWD

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14<sup>th</sup>, 2009, I electronically filed *Christopher S.*

*Markwood's (President, Delta Chi Chapter), Waiver of Service of Summons* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Andrew Fitzgerald, Esq. – [afitzgerald@sandflaw.com](mailto:afitzgerald@sandflaw.com)  
Stanley B. Green, Esq. – [sgreen@sandflaw.com](mailto:sgreen@sandflaw.com)

and I hereby certify that I have mailed the document to the following non-CM/ECF participants:

Mr. A.L. Butler Daniel, Esq.  
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-and-

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*Attorneys for Linwood Brady Long*

Mr. Robert Hobbs  
President  
Delta Pi Chapter, Lambda Chi Alpha  
2975 Campus Box  
Elon College  
Elon, NC 27244-2009

DATED: 12/1<sup>4th</sup>/09

Respectfully submitted,

/s/ Nolan C. Burkhouse  
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